

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5838-01  
Bill No.: HB 1867  
Subject: Bonds - Bail; Courts  
Type: Original  
Date: March 7, 2012

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Bill Summary: This proposal allows a court to accept a guarantee from a surety in lieu of a cash only bond as bail.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Various State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Public Defender** assume the proposal would not create a fiscal impact on their organization.

Officials from the **Office of the State Courts Administrator (CTS)** state that the proposed legislation will require the court to accept in lieu of a cash only bond, a guarantee from a surety in good standing. Cash bonds are often used to satisfy court costs and fines in a disposed case. Revenues for court costs and fines will go down; however they have no way of estimating the fiscal impact.

CTS states that bail bondsmen deposit ten percent of the bond with their agency when executing a cash bond. If the defendant skips out on the hearing/trial, then CTS would retain that money. If the defendant is found/pleas guilty, then CTS would utilize the money from the bond to ensure all appropriate fines, court costs and restitutions are paid. If a defendant is not required to obtain a cash bond, CTS would then have to try to collect these obligations directly from the defendant or the surety after the trial.

Officials from the **Office of Prosecution Services** did not respond to our request for fiscal impact.

**Oversight** assumes fine revenue, court costs revenue and restitution would normally flow into many state and local funds (including local school districts, law libraries in various circuit courts, prosecuting attorney retirement systems, etc.). For simplicity, Oversight will reflect the potential reduction of income into Various State Funds as well as various local funds.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>VARIOUS STATE FUNDS</b>			
<u>Revenue Reduction - through CTS</u>	<u>\$0 or</u>	<u>\$0 or</u>	<u>\$0 or</u>
Increase in uncollected fines, court costs and restitutions	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS</b>	<b><u>\$0 or</u> <u>(Unknown)</u></b>	<b><u>\$0 or</u> <u>(Unknown)</u></b>	<b><u>\$0 or</u> <u>(Unknown)</u></b>

FISCAL IMPACT - Local Government

FY 2013  
(10 Mo.)

FY 2014

FY 2015

**VARIOUS LOCAL POLITICAL  
SUBDIVISIONS**

Revenue Reduction - through CTS  
Increase in uncollected fines, court  
costs and restitutions

\$0 or  
(Unknown)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

**ESTIMATED NET EFFECT ON  
VARIOUS LOCAL POLITICAL  
SUBDIVISIONS**

\$0 or  
(Unknown)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

FISCAL IMPACT - Small Business

This proposal may impact bail bondsmen.

FISCAL DESCRIPTION

This bill allows a court to accept, in lieu of a cash only bond, a guarantee from any surety who is in compliance with the general laws regulating bail bondsmen.

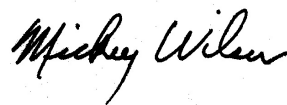
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of the State Public Defender

**Not Responding:**

Office of Prosecution Services



Mickey Wilson, CPA

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